

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE: TAMARA PEREZ CRUZ Debtor	Case. No. 11-03499(MCF)
TAMARA PEREZ CRUZ Plaintiff vs ORIENTAL BANK, et. Als. Defendant	Chapter 13 Adversary No. 20-00126

**MOTION REQUESTING ENTRY OF ORDER TO HAVE REQUEST FOR
ADMISSIONS DEEMED ADMITTED PURSUANT TO RULE 7036 OF
FEDERAL RULES OF BANKRUPTCY PROCEDURE**

By counsel, defendant Oriental Bank (hereinafter referred as “OB”) very respectfully represents and prays as follows:

1. On January 27, 2021, the appearing defendant served on Plaintiff a First Set of Interrogatories, Production of Documents and **Request for Admissions** through her attorneys Jesús Enrique Batista - Sánchez and William Rivera - Vélez. Dk. No. 12.
2. As per Rule 7036 of the Federal Rules of Bankruptcy Procedure, which makes Rule 36 of the Federal Rules of Civil Procedure applicable to adversary proceedings in bankruptcy, a request for admissions is deemed admitted within 30 days after a party is served, if said party does not serve the requesting party a written answer or objection addressed to the matter and signed by the party or its attorney. See, Rule 36(a)(3) of the Federal Rules of Civil Procedure.

3. As of today, over 60 days have lapsed since Plaintiff was served with the foregoing request for admissions, without Plaintiff having answered or objected to the served request for admissions.
4. The following were the requests for admissions served upon Plaintiff through her counsel and which have not been answered or objected as of today:
 - a. Admit that the confirmed plan and each and every post confirmation modification approved by the Court in plaintiff's bankruptcy case no. 11-03499(MCF) provides for secured creditors to retain their liens.
 - b. Admit that defendant Oriental Bank, formerly Scotiabank, was listed as a secured creditor by plaintiff in her bankruptcy case no. 11-03499(MCF).
 - c. Admit that the bankruptcy petition to which you refer in your Complaint is the bankruptcy case no. 11-03499(MCF) filed by plaintiff under Chapter 13 before the U.S. Bankruptcy Court for the District of Puerto Rico.
 - d. Admit that defendant Oriental Bank did not present any documents before the Registry of Property regarding plaintiff's residence from the presentation of defendant's mortgage over plaintiff's residence on May 15, 2008 until the recordation of said mortgage lien on November 16, 2017.
 - e. Admit that the only collection effort by Oriental Bank that you make reference to in the complaint was the filing of a complaint in case no. SJ2020CV03416 before the San Juan Superior Court on July 3, 2020.
 - f. Admit that defendant cannot record any document before the Registry of Property, as pursuant to applicable local law, only the Registrar of Property can do that.
 - g. Admit that the Registrar of Property is the government official who decides when the recording of documents in the Registry of Property takes place.
5. In view of the above, it is respectfully requested from this Honorable Court to enter an order to deem all the foregoing matters admitted by Plaintiff pursuant to Rule 7036(a)(3) of the Federal Rules of Bankruptcy Proceeding.

NOTICE

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were

served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the Clerk's office of the U.S. Bankruptcy Court for the District of Puerto Rico and serve a copy of the same on the appearing parties and the US Trustee's Office. If no objection or other response is filed within the time allowed herein, the relief sought will be deemed unopposed and may be granted unless: (1) the requested relief is forbidden by law; (2) the requested relief is against public policy; or (3) in the opinion of the court, the interest of justice requires otherwise.

WHEREFORE, it is respectfully requested from this Honorable Court **GRANT** this motion and proceed to enter an order to deem admitted all the matters for which an admission was requested from Plaintiff and listed herein at paragraph four (4), with any other redress this Court may deem appropriate.

RESPECTFULLY SUBMITTED.

In Guaynabo, Puerto Rico on this 4th day of April 2021.

CERTIFICATE OF SERVICE: This document was filed with the US Bankruptcy Court for the District of Puerto Rico using the CM/ECF filing system, which would send a copy of this document to all registered parties including: **Jesús Enrique Batista - Sánchez, Esq. and William Rivera Vélez**, The Batista Law Group, P.S.C., Counsel for Plaintiff; **Alejandro Oliveras – Rivera, Esq.**, Chapter 13 Trustee, and to the **U.S. Trustee Office**. A copy of this motion was also sent via First Class Mail to **Jesús Enrique Batista - Sánchez, Esq. and William Rivera - Vélez**, The Batista Law Group, P.S.C., Counsel for Plaintiff, P.O. Box 191059, San Juan, Puerto Rico 00919-1059.

LUIS M. SUAREZ LOZADA
LAW OFFICES

Counsel for defendant Oriental Bank
P.O. Box 192333
San Juan, Puerto Rico 00919-2333
Phone: (787)296-4299
e-mail: suarez@caribe.net
/s/Luis M. Suárez - Lozada
USDC-PR 209712